

# Daily Digest

## HIGHLIGHTS

Senate passed National Defense Authorization Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S10027–S10104*

**Measures Introduced:** Five bills and two resolutions were introduced, as follows: S. 1481–1485, S. Res. 165, and S. Con. Res. 74. **Page S10058**

#### Measures Passed:

**National Defense Authorization:** By a unanimous vote of 99 yeas (Vote No. 290), Senate passed S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments proposed thereto: **Pages S10027–55**

Adopted:

Reid Amendment No. 1760, to strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651.

**Pages S10033–39**

Levin (for Thomas/Gramm) Amendment No. 1834, to strike the exemptions provisions in section 821 of the bill, which revises requirements relating to the purchase of Federal Prison Industries products by the Department of Defense. **Pages S10039–41**

Allard Modified Amendment No. 1755, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each of the votes cast by such voters is duly counted. **Pages S10045–47**

During consideration of this bill today, the Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 289), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the bill. **Page S10031**

Senate sustained a point of order that Inhofe Amendment No. 1735, to express the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy sup-

plies to the armed forces, was dilatory and therefore not in order, and the amendment thus fell.

**Pages S10031–32**

Senate sustained a point of order against Helms Amendment No. 1724, to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not party, that the amendment was ruled as not germane, and the amendment thus fell. **Pages S10041–44**

**Department of Energy Defense Activities Authorization:** Senate passed S. 1417, to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1438, Department of Defense Authorizations, as amended. **Page S10055**

**Military Construction Authorization:** Senate passed S. 1418, to authorize appropriations for fiscal year 2002 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1438, Department of Defense Authorizations, as amended. **Page S10055**

**Department of Defense Authorization:** Senate passed S. 1419, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1438, Department of Defense Authorizations, as amended. **Pages S10055–56**

A unanimous-consent agreement was reached providing that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with regard to any of these bills, that the Senate be deemed to have disagreed to the amendment(s) to the Senate-passed bill, that the Senate request or agree to a conference

with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate. **Pages S10054–55**

**Vietnam Trade Act:** Senate agreed to the motion to proceed to consideration of H. J. Res. 51, approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, and then began consideration of the resolution. **Page S10056**

A unanimous-consent agreement was reached providing for further consideration of the resolution at 10 a.m. on Wednesday, October 3, 2001. **Page S10104**

**Nominations Confirmed:** Senate confirmed the following nominations:

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Thomas B. Wells, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office. (Prior to this action, Committee on Finance was discharged from further consideration.) **Pages S10103–04**

**Nominations Received:** Senate received the following nominations:

Michael Smith, of Oklahoma, to be an Assistant Secretary of Energy (Fossil Energy).

Lyons Brown, Jr., of Kentucky, to be Ambassador to the Republic of Austria.

Clifford M. Sobel, of New Jersey, to be Ambassador to the Kingdom of the Netherlands.

Cameron R. Hume, of New York, to be Ambassador to the Republic of South Africa.

Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

Patrick Francis Kennedy, of Illinois, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Charles Curie, of Pennsylvania, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

David E. O'Meilia, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

David R. Dugas, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

1 Air Force nomination in the rank of general.

Routine lists in the Army, Navy. **Page S10304**

**Additional Cosponsors:** **Pages S10058–59**

**Statements on Introduced Bills/Resolutions:** **Pages S10059–68**

**Additional Statements:** **Pages S10056–58**

**Amendments Submitted:** **Pages S10068–S10103**

**Notices of Hearings/Meetings:** **Page S10103**

**Authority for Committees to Meet:** **Page S10103**

**Record Votes:** Two record votes were taken today. (Total—290) **Pages S10031, S10054**

**Adjournment:** Senate met at 9:30 a.m. and adjourned at 5:26 p.m., until 10 a.m., on Wednesday, October 3, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10104.)

## Committee Meetings

(Committees not listed did not meet)

### TRADE PROMOTION COORDINATING COMMITTEE

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings to examine the annual report of the Trade Promotion Coordinating Committee, focusing on efforts to generate a unified trade program for the United States government, after receiving testimony from Donald L. Evans, Secretary of Commerce; John E. Robson, Chairman and President, Export-Import Bank of the United States; Hector V. Barreto, Administrator, Small Business Administration; Peter S. Watson, President and Chief Executive Officer, Overseas Private Investment Corporation; and Thelma J. Askey, Director, U. S. Trade and Development Agency.

### ECONOMIC OUTLOOK

*Committee on the Budget:* Committee concluded hearings to examine the U.S. economic situation prior to and after the recent terrorist attacks, focusing on the need for security and confidence, finding the right economic response to the crisis, and minimization of collateral damage to the United States and the global economy, after receiving testimony from R. Glenn Hubbard, Chairman, Council of Economic Advisers; Martin Neil Baily, Institute for International Economics, Washington, D.C.; Alan B. Krueger, Princeton University, Princeton, New Jersey.

### RAILROAD AND MARITIME SECURITY

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine passenger and

cargo security issues in the railroad and maritime industries, after receiving testimony from Adm. James W. Underwood, USCG, Director, Office of Intelligence and Security, Department of Transportation; George D. Warrington, President and Chief Executive Officer, National Railroad Passenger Corporation (Amtrak); Edward R. Hamberger, Association of American Railroads, and Joseph J. Cox, Chamber of Shipping of America, both of Washington, D.C.; and J. Michael Crye, International Council of Cruise Lines, Arlington, Virginia.

### ALASKA NATURAL GAS PIPELINE

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine the status of proposals for the transportation of natural gas from Alaska to markets in the lower forty-eight states and on proposed legislation to expedite the construction of a pipeline from Alaska, after receiving testimony from Robert S. Kripowicz, Acting Assistant Secretary for Fossil Energy, and Patrick Wood III, Chairman, Federal Energy Regulatory Commission, both of the Department of Energy; Drue Pearce, Senior Advisor for Alaska Affairs, Department of the Interior; Alaska Governor Tony Knowles, Juneau; Alaska State Senator John Torgerson, Soldotna; Scott Heyworth, Municipality of Anchorage, on behalf of the Citizens Initiative for the All-Alaskan, All-American Gasline, Joseph P. Marushack, Phillips Petroleum Company, Richard Glenn, Arctic Slope Regional Corporation, and Mark Aron, CSX, Inc., all of Anchorage, Alaska; K. Terry Koonce, ExxonMobil Production Company, William D. Sullivan, Anadarko Petroleum Corporation, and Forrest Hoglund, Arctic Resources Company, all of Houston, Texas; Robert A. Malone, BP America, Inc., Los

Angeles, California; Patricio Silva, Natural Resources Defense Council, Washington, D.C.; Keith Bailey, Williams, Tulsa, Oklahoma; and Dennis McConaghy and Michael Stewart, Foothills Pipe Lines Ltd., Calgary, Alberta, Canada, on behalf of the Alaskan Northwest Natural Gas Transportation Company.

### FOREST PROTECTION

*Committee on Energy and Natural Resources:* Subcommittee on Public Land and Forests concluded hearings to examine the interaction of old-growth forest protection initiatives and national forest policy, after receiving testimony from Representative DeFazio; Henri Bisson, Assistant Director for Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; Sally Collins, Associate Chief, U.S. Forest Service, Department of Agriculture; Alaska State Senator John Torgerson, Kasilof, on behalf of the Alaska Forest Association; Jerry F. Franklin, University of Washington College of Forest Resources, Seattle; Thomas M. Bonnicksen, Texas A&M University Department of Forest Science, College Station; Eric S. Palola, Northeast Natural Resource Center/National Wildlife Federation, Montpelier, Vermont; James Johnston, Cascadia Wildlands Project, Eugene, Oregon; and Bruce Daucsavage, Ochoco Lumber Company, Prineville, Oregon.

### NOMINATION

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings on the nomination of Eugene Scalia, of Virginia, to be Solicitor of the Department of Labor, after the nominee testified and answered questions in his own behalf.

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## House of Representatives

### *Chamber Action*

**Measures Introduced:** 31 public bills, H.R. 2973–3003; and 7 resolutions, H. Con. Res. 238–240 and H. Res. 247, 249–251, were introduced. **Pages H6135–37**

**Reports Filed:** Reports were filed today as follows: H.R. 1992, to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, amended (H. Rept. 107–225); and

H. Res. 248, providing for consideration of H.R. 2646, to provide for the continuation of agricultural

programs through fiscal year 2011 (H. Rept. 107–226). **Page H6135**

**Recess:** The House recessed at 12:51 p.m. and reconvened at 2 p.m. **Page H6069**

**Private Calendar:** On the call of the Private Calendar, the House passed over without prejudice H.R. 392, for the relief of Nancy B. Wilson. **Page H6070**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Federal Employee Antidiscrimination and Retaliation:** H.R. 169, amended, to require that Federal agencies be accountable for violations of anti-discrimination and whistleblower protection laws (agreed to by a yea-and-nay vote of 420 yeas with none voting “nay,” Roll No. 360);

Pages H6071–76, H6100

**National Fallen Firefighters Memorial Service in Emmitsburg, Maryland:** H.J. Res. 42, amended, memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland (agreed to by a yea-and-nay vote of 420 yeas with none voting “nay,” Roll No. 361);

Pages H6076–80, H6100–01

**Congratulating Cal Ripken:** H. Res. 247, honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation;

Pages H6080–83

**Congratulating Tony Gwynn:** H. Res. 198, congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball;

Pages H6083–86

**National Small Business Regulatory Assistance:** H.R. 203, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns;

Pages H6086–90

**Vocational and Technical Entrepreneurship Development:** H.R. 2666, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program;

Pages H6090–93

**Virgin River Dinosaur Footprint Preserve:** H.R. 2385, amended, to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property;

Pages H6093–95

**Tomas G. Masaryk Memorial:** H.R. 1161, amended, to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Agreed to amend the title;

Pages H6095–96

**Navajo and Mescalero Apache Indian Tribes Long Walk National Historic Trail:** H.R. 1384, amended, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for

study for potential addition to the National Trails System. Agreed to amend the title; and

Pages H6096–97

**Booker T. Washington National Monument Boundary Adjustment:** H.R. 1456, to expand the boundary of the Booker T. Washington National Monument.

Pages H6097–98

**Recess:** The House recessed at 5:06 p.m. and reconvened at 5:30 p.m.

Pages H6098–99

**Recess:** The House recessed at 5:43 p.m. and reconvened at 6 p.m.

Pages H6099–H6100

**Military Construction—Go to Conference:** The House disagreed with the Senate amendment to H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Hobson, Walsh, Miller of Florida, Aderholt, Granger, Goode, Skeen, Vitter, Obey, Olver, Edwards, Farr, Boyd, and Dicks.

Page H6099

Agreed to the Olver motion to instruct conferees to insist on the House position regarding all items included in the House passed bill for overseas military construction by a yea-and-nay vote of 417 yeas to 1 nay, Roll No. 362.

Pages H6099, H6101–02

**Committee Election:** The House agreed to H. Res. 249, electing the following members to the Committee on the Judiciary: Representative Bryant, to rank after Representative Goodlatte, and Representative Pence.

Page H6102

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H6138–63.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6100, H6100–01, and H6101–02. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11:23 p.m.

## Committee Meetings

### MISCELLANEOUS MEASURES

**Committee on Resources:** Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility

District, Washington; and H.R. 2585, Chiloquin Dam Fish Passage Feasibility Act of 2001.

## FARM SECURITY ACT

*Committee on Rules:* Granted, by voice vote, a modified open rule providing two hours of debate on H.R. 2646, Farm Security Act of 2001. The rule waives all points of order against consideration of the bill. The rule provides that, in lieu of the amendments recommended by the Committees on Agriculture and International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text printed in part A of the Rules Committee report accompanying the resolution, modified by the amendment printed in part B of the report. The rule waives all points of order against the amendment in the nature of a substitute and provides that it shall be considered as read. The rule makes in order only those amendments that have been pre-printed in the Congressional Record before October 3, 2001, and provides that each such amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Combest and Representatives Smith of Michigan, McHugh, Boehlert, Gilchrest, Miller of Florida, Sherwood, Stenholm, Clayton, Baldacci, Etheridge, Kind, and Sanders.

## RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads held a hearing on H.R. 2950, Rail Infrastructure Development and Expansion Act of the 21st Century. Testimony was heard from public witnesses.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of October 1, 2001, p. D954)

S. 1424, to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants. Signed on October 1, 2001. (Public Law 107-45)

## COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 3, 2001

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations:* Subcommittee on Treasury and General Government, to hold hearings to examine northern border security status, 9:30 a.m., SD-192.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine bioterrorism issues, 10:30 a.m., SH-216.

*Committee on Energy and Natural Resources:* to hold hearings to examine the nomination of Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement; and the nomination of Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, both of the Department of the Interior, 9:30 a.m., SD-366.

*Committee on Finance:* to hold hearings to examine the need for an economic stimulus package and its potential components, 11 a.m., SD-215.

*Committee on Foreign Relations:* business meeting to consider the nomination of Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, after the first vote in the afternoon, Time to be announced, S-116, Capitol.

*Committee on the Judiciary:* Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings to examine how to protect Constitutional freedoms in the face of terrorism, 9:30 a.m., SD-226.

### House

*Committee on Education and the Workforce,* to mark up H.R. 2269, Retirement Security Advice Act of 2001, 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* to mark up the following: a measure to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins; a measure to strengthen security at certain nuclear facilities; and a measure to clarify the application of cable television system privacy requirements to new cable services, 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the American Spirit Fraud Prevention Act, 1 p.m., 2123 Rayburn.

*Committee on Financial Services,* hearing entitled "Dismantling the Financial Infrastructure of Global Terrorism," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on "Drug Trade and the Terror Network," 10 a.m., 2154 Rayburn.

*Committee on International Relations*, hearing on Al Qaeda and the Global Research of Terrorism, 10:15 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on the Role of the International Atomic Energy Agency in Safeguarding Against Acts of Terrorism, 1 p.m., 2172 Rayburn.

*Committee on the Judiciary*, to mark up the following measures: H.R. 2975, Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001; H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; and H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance, 2 p.m., 2141 Rayburn.

*Committee on Resources*, to mark up the following measures: H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site; H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee; H.R. 1576, James Peak Wilderness, Wilderness Study, and Protection Area Act; H.R. 1776, Buffalo Bayou National Heritage Area Study Act; H.R. 2488, to designate certain lands in the Pilot Range in the State of Utah as wilderness; H.R. 2924, to provide authority to the Federal Power Marketing Administration to reduce vandalism and destruction of property; H.R. 2925, to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Rec-

lamation; the Healing Opportunities in Parks and the Environment Pass Act; and to consider the issuance of a subpoena; to be followed by an oversight hearing on Potential Alternative Energy Sources Available on National Public Lands, 10 a.m., 1324 Longworth.

*Committee on Rules*, to consider H.R. 2883, Intelligence Authorization Act for Fiscal year 2001, 2:30 p.m., H-313 Capitol.

*Committee on Science*, to mark up H.R. 64, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Water Resources and Environment, hearing on the Wetlands Permitting Process: Is it Working Fairly? 10 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence*, Subcommittee on Intelligence Policy and National Security, executive, briefing on Financial Intelligence Issues, 2 p.m., H-405 Capitol.

Subcommittee on Terrorism and Homeland Security, hearing on "Protecting The Homeland from Asymmetric/Unconventional Threats," 9 a.m., 2322 Rayburn.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: to hold hearings to examine United States policy toward the Organization for Security and Cooperation in Europe (OSCE), the institution which evolved from the Helsinki process, 10 a.m., SR-485.

*Next Meeting of the SENATE*

10 a.m., Wednesday, October 3

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, October 3

## Senate Chamber

**Program for Wednesday:** Senate will resume consideration of H.J. Res. 51, Vietnam Trade Act.

Also, Senate may begin consideration of Foreign Operations Appropriations Act.

## House Chamber

**Program for Wednesday:** Consideration of H.R. 2646, Farm Security Act (modified open rule, two hours of general debate).

## Extensions of Remarks, as inserted in this issue

## HOUSE

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